

**ORANGE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION • REGULAR MEETING
District Education Center • Board Room
1401 North Handy Street • Orange, California**

**Thursday • January 18, 2007
6:30 P.M. • Closed Session
7:30 P.M. • Regular Session**

MINUTES

*An audio tape of this meeting is on file in the Superintendent's Office
for three years after the meeting date.*

CALL MEETING TO ORDER

Board President, Kimberlee Nichols, called the meeting to order at 6:30 p.m.

ESTABLISH QUORUM

A quorum was established with the following Board members: Mrs. Moffat, Mrs. Nichols, Mr. Ortega, Mr. Poutsma and Mrs. Smith. Mr. Rocco was not present for closed session. Except for Mr. Ortega, who left the meeting due to illness, all Board members were present for the open meeting.

PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

No speakers.

Speakers

There were no speakers.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 6:30 p.m. to discuss the following items:

- A. PUBLIC EMPLOYEE APPOINTMENT
Government Code 54957
Title: Principal, High School
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code 54956.9, subdivision (a)
Name of Case: *Californians Aware v. Orange Unified School District*
- C. CONFERENCE WITH LABOR NEGOTIATORS
Government Code 54957.6
Agency Negotiators: Spencer Covert, Parker & Covert LLP
Unrepresented Employee: Superintendent of Schools

CALL TO ORDER – REGULAR SESSION

Mrs. Nichols called the meeting to order at 7:37 p.m.

Mr. Ortega was not present for open session.

PLEDGE OF ALLEGIANCE

Mrs. Nichols invited the audience and staff to join the Board in reciting the Pledge of Allegiance.

REPORT OF CLOSED SESSION DECISIONS AS REQUIRED BY THE BROWN ACT

The Board of Education appointed Dr. David Steinle to the position of Senior High School Principal assigned to Villa Park High School.

ADOPTION OF AGENDA

Motion No. 66

It was moved by Mr. Poutsma, seconded by Mrs. Smith and carried by a vote of 5-1-1 (No: Rocco; Absent: Ortega) to adopt the January 18, 2007 agenda.

ANNOUNCEMENTS AND ACKNOWLEDGMENTS

Item 9.A. Superintendent's Report

No Report.

Item 9.B. Board President's Report

Mrs. Nichols noted that she, along with staff, were guests of the Orange County Department of Education recognizing the Canyon High School Stellar Technology Program. A plaque was presented to Canyon High School in acknowledgement and recognition on this particular program. Mrs. Nichols commended the principal, staff and students at Canyon High School.

Mrs. Nichols commended and recognized Orange High School's Mock Trial Team for finishing the season with an 8-1 record, losing only to Woodbridge High School who was the Orange County champions.

Mrs. Nichols commended the Orange Assistance League, a non-profit organization, for their Operation School Bell Program, which provides school supplies and school uniforms to students of limited means in grades K-6. The recipient of the 1,000th backpack and uniform for the year was presented yesterday in a brief ceremony attended by Mrs. Nichols and Dr. Godley and other administrative staff.

Item 9.C. Board Recognition of Students, Staff and Community

No Report.

Item 9.D. State of the School Report

(No presentation – preparation for finals)

APPROVAL OF MINUTES

Motion No. 67

It was moved by Mr. Poutsma, seconded by Mrs. Smith and carried by a vote of 5-1-1 (No: Rocco; Absent: Ortega) to approve the minutes of the November 16, and December 14, 2006 regular meetings.

COMMUNICATIONS TO THE BOARD

Carolyn Dupaquier, 5481 Big Sky Lane, Anaheim, questioned why Board member Steve Rocco does not attend closed session as part of his duties and responsibilities as a member of the Board of Education. She requested a response from the legal department, the Board and Mr. Rocco.

Susan Scollick, 18412 Old Lamplighter Circle, Villa Park, advised the Board that the Orange County Reading Association is giving the International Reading Association Award of Celebrate Literacy to the Orange Rotary Club in acknowledgement of their support to the District. Mrs. Scollick invited the Board to the conference next Thursday at Chapman University. Mrs. Scollick further noted that Lori Morgan received the Hall of Fame Award and Sheryl Nunez received the Exemplary Service Award, from the California Reading Association at the November conference in Sacramento.

Evan Harris, 2410 Old Grand Avenue, Santa Ana, addressed the Board on political matters and investigations.

Dennis Winston, Esq., no address given, spoke as a representative of Californians Aware, Mr. McKee and Mr. Rocco. He spoke on First Amendment rights and the Resolution of Censure.

ACTION ITEMS

Item 12.A. Student Calendars 2007/08, 2008/09, 2009/10

The recommended student calendars for the traditional track and single-track schedules for the 2007/2008 school year and the two tentative calendars for the 2008/2009 and 2009/2010 school years were presented. The calendars meet the California Education Code (sections 46200-46201) requirements for the number of school days and instructional minutes for the school year. Proposed student calendars were presented to the Board for information at the December 14, 2006 Board meeting by the District Calendar Committee. Calendar Committee members include: co-chairs Christie Reider and Jamie Brown; subcommittee chairs Gloria Duncan, Elena Stoces, John Besta, Kathy Bruce, Linda Stoterau, and Angela Perez; and employee association representatives Jan Miller, for OUEA, and John Miller, for CSEA.

Motion No. 68

It was moved by Mrs. Smith, seconded by Mr. Poutsma and carried by a vote of 5-1 (Abstain: Rocco; Absent: Ortega) to approve the attached calendar for the 2007/2008 school year. Further, the Board tentatively approved the attached proposed student calendars for 2008/2009

and 2009/2010.

Item 12.B. Orange Unified School District Legislative Coalition – Approval of Bylaws – First Reading

The Bylaws Sub-committee of the Legislative Coalition reviewed and revised its Bylaws, which were subsequently approved by the members of the Legislative Coalition. The revised Bylaws were presented for a first reading by Chairperson, Denise Bittel. Mrs. Bittel reviewed the process for updating the Bylaws.

Discussion took place among the members of the Board regarding certain revisions. Those proposed revisions will be taken into consideration. A second reading will be presented at the February 8, 2007 Board of Education meeting.

Motion No. 69

It was moved by Mrs. Smith, seconded by Mrs. Moffat and carried by a vote of 5-1-1 (No: Rocco; Absent: Ortega) to receive the Bylaws of the Legislative Coalition for a first reading.

Item 12.C. Proposed Board Policy 3320 – Claims and Actions against the District – First Reading

Government Code section 935 allows local public agencies to adopt a policy requiring the filing of a claim in those situations where claims would otherwise not be required, including claims against the District by other public agencies, and claims by employees for fees, salaries, or other expenses and allowances. Board Policy 3320 will implement the provisions of Government Code section 935 for the District. This should result in a savings in the cost to defend claims and lawsuits against the District.

Motion 70

It was moved by Mrs. Smith; seconded by Mrs. Moffat and carried by a vote of 5-1-1 (Abstain: Rocco; Absent: Ortega) to receive Board Policy 3320 for a first reading.

Item 12.D. Salary Adjustment for the Superintendent

For the 2006-07 school year, the Board of Education approved a six percent salary increase for the classified and certificated bargaining units and for leadership employees, effective July 1, 2006. Providing a six percent salary increase for the Superintendent will correlate with the salary adjustment for the other employee groups.

Motion 71

It was moved by Mrs. Nichols; seconded by Mr. Poutsma and carried by a vote of 4-2-1 (No: Ledesma, Rocco; Absent: Ortega) to approve increasing the Superintendent's base salary by six percent, effective July 1, 2006.

INFORMATION/DISCUSSION ITEMS

Item 13.A. Report of Aggregate Findings for the Orange Unified School District for Fiscal Year 2005/06 per the Williams Settlement Legislation

The Board received the Report of Aggregate Findings from the Orange County Superintendent of Schools for the Fiscal Year 2005/06 as mandated by the Williams Case Settlement. Each year the Superintendent of the Orange County Department of Education is responsible for visiting schools in deciles 1, 2, and 3 to ensure sufficient instructional materials and well maintained facilities. The School Accountability Report Card and teacher assignments are reviewed as part of the process. The legislation from the Williams Settlement states "the county superintendent shall annually present a report to the governing board of each school district under his or her jurisdiction."

The Report of Aggregate Findings for the Orange Unified School District for Fiscal Year 2005/06 summarizes the findings for the Williams Site Reviews for California, Fairhaven, Sycamore, Esplanade, Jordan and Prospect Elementary, Portola and Yorba Middle Schools. All needs and conditions identified were corrected in the appropriate time allotted.

Item 13.B. 2006/07 Second Quarter Status Report of the Three-Year Strategic Plan

The second quarter status report was presented and received by the Board. See attachment. The first quarter status report of the three-year strategic plan was presented on October 12, 2006.

Item 13.C. Proposed Amendment to Business and Professions Code 25608

The City of Villa Park is considering proposing a legislative exemption to the Business and Professions Code in order to allow the City, or its Community Foundation, to utilize school facilities for certain events. The City is asking the Board to support legislation to amend Business and Professions Code Section 25608 regarding the use, sale, and consumption of alcoholic beverages at public school facilities. The current code does not allow alcoholic beverages to be acquired, possessed or used at school facilities. The legislation, if amended, would allow for such use by adults on weekends, or when students are not present, by a city of community foundation for a city with a population of under 10,000 people. The City of Villa Park is seeking a letter of support or some other form of approval by the Board which would be sent to legislators in support of the proposed amendment.

Discussion

A lengthy discussion ensued among the Board members. It was noted that the District is an alcohol and drug-free district based on Board policy. Staff is looking into possible funding issues that may result if this amendment were to pass as well as liability issues. Overall, the Board members objected to the proposed amendment to the Business and Professions Code the allow alcohol on school campuses in Villa Park for community events.

Mr. Ken Domer, City Manager for the City of Villa Park, addressed the Board in support of the proposed amendment noting that the City of Villa Park lacks any community facility. He added that for holding community events, there is nothing in the city other than the parking lot of the Villa Park Towne Center to use for hosting such events. Mr. Domer stated that if there is any potential for reduction in grant funds or harm to any grant opportunity, he would not recommend this amendment. The City of Villa Park is looking for a partnership opportunity with the school district.

Susan Scollock, 18412 Old Lamplighter, Villa Park, spoke in opposition to the proposed amendment to the Business and Professions Code.

Denise Bittel, PFSO President at Villa Park High School, stated that this matter has not been brought forth to the PFSO group and there may be concerns from the parents. Mrs. Bittel requested that any position the Board takes, they would allow parents to address or meet with members of the Board to express their opinion on this issue.

Mrs. Nichols remarked that because this item impacts the District as a whole, ample time would be given to parents to provide feedback to the Board of Education. Mrs. Nichols added that she did not see this item coming back for any kind of action until possibly the second meeting in February at the earliest. However, based on current Board discussion regarding funding, this item would be problematic for that reason alone.

Board discussion continued noting additional concerns with the proposed amendment.

CONSENT ITEMS

Motion No. 72

It was moved by Mr. Poutsma, seconded by Mrs. Smith and carried by a vote of 5-1-1 (No: Rocco; absent: Ortega) to approve the consent agenda items.

Item 14.A. Purchase Orders List

The Board approved the Purchase Order List dated December 4 through December 17, 2006 in the amount of \$1,398,881.71. See attached Purchase Orders List.

Item 14.B. Warrants List

The Board accepted the Warrants List dated December 4 through December 17, 2006 in the amount of \$6,094,629.40. See attached Warrants List.

Item 14.C. Gifts

The Board accepted the donation(s) and a letter of appreciation will be forwarded to each benefactor.

- 25" Samsung Television to Chapman Hills ES, donated by Mr. & Mrs. David Kaufman

- Two DVD/Video cassette players to Chapman Hills ES, donated by Chapman Hills PTA
- 35 Premier School Agendas to Olive ES, donated by Mr. & Mrs. James Knight
- Twenty boxes of white rolled paper to Chapman Hills ES, donated by Mrs. Michele Booher

Item 14.D. Contract Services Report – Business Services

BICKMORE RISK SERVICES

The District reactivated the self-funded workers' compensation program July 1, 2003. It is now time to evaluate funding requirements for the first three years of the program and to project actuarially, the funding needs for the future. Bickmore provided this service for the District in 2003 and last year, for the same fee that is being proposed for this project. Approval of this item will authorize staff to contract with Bickmore to perform the workers' compensation actuarial study.

Self-Insurance Fund.....not-to-exceed.....\$4,250

EMPIRE ECONOMICS, INC.

On January 5, 2006, the Board of Education approved using Empire Economics, Inc. to perform a price point analysis and absorption study to assure bond purchasers of the security of the investments. Updates are required as a result of several factors; changes in product and the real estate market are two. All costs will be reimbursed from the bond sale proceeds.

Special Reserve Fund.....not-to-exceed.....\$15,000

MARK J. PAONE, AIA

The District requires the services of a qualified architectural firm to replace the fire alarm system at Fletcher Elementary. Mark J. Paone Architects will prepare project specifications and all drawings, i.e. architectural, electrical, plumbing and structural. They will also obtain Department of the State Architect (DSA) approval for the project.

Deferred Maintenance.....not-to-exceed.....\$37,950

PARENT ACCOUNT MANAGEMENT SYSTEM LUNCHROOM, L.L.C. (PAMS)

PAMS provides a website through which parents or guardians of students attending Orange Unified School District schools may make single or automatically repeated prepayments for meals to be provided to the students. This software will provide parents a convenient way to make payments online and to review account balance details for their child. System use will be voluntary and the parents who utilize the system will pay the 5.6% service fee.

Nutrition Services.....no cost to the District.....(Pollock)

PARKER & COVERT LLP

The law firm of Parker & Covert, LLP provides legal services to the District in matters related to negotiations, general counsel, and other issues related to education. An open purchase order for the second half of the 2006-07 school year will be established for payment of invoices for the

period of January 1, 2007, through June 30, 2007. The previous open purchase order (July 1, 2006 – December 31, 2006) will be closed and any remaining unused encumbered balanced will be unencumbered and returned to the General Fund.

General Fund.....not-to-exceed \$175,000

Item 14.E. Acceptance of Completed Contract(s) and Filing of Notice(s) of Completion

The Board accepted the contract(s) listed below as complete, authorized staff to file appropriate notice(s) of completion and released the retention payment(s) to the contractor(s).

BID #577 – Electrical, Low Voltage, Date, Related Wiring Repairs, Replacement and Installation – Unit Price Bid

Project: Esplanade Elementary School- Installation of electrical services for power to interim housing- Modernization
Original Board Approval: March 23, 2006
Original Purchase Order: 703001
Completion Date: December 8, 2006
Contractor: Stone Electric, Inc
Original Project Amount: \$79,040.00
Change Order(s) Amount: \$ -0-
Total Project Amount: \$79,040.00
Fund: Special Reserves (40)

BID #577 – Electrical, Low Voltage, Date, Related Wiring Repairs, Replacement and Installation – Unit Price Bid

Project: Jordan Elementary School – Installation of electrical services for power to the interim housing – Modernization
Original Board Approval: March 23, 2006
Original Purchase Order: 703003
Completion Date: December 8, 2006
Contractor: Stone Electric, Inc
Original Project Amount: \$94,050.00
Change Order(s) Amount: \$ -0-
Total Project Amount: \$94,050.00
Fund: Special Reserves (40)

BID #577 – Electrical, Low Voltage, Date, Related Wiring Repairs, Replacement and Installation – Unit Price Bid

Project: Portola Middle School –Install data to interim housing – Modernization
Original Board Approval: March 23, 2006
Original Purchase Order: 703178
Completion Date: December 8, 2006

Contractor: Stone Electric, Inc
Original Project Amount: \$25,598.00
Change Order(s) Amount: \$ -0-
Total Project Amount: \$25,598.00
Fund: Special Reserves (40)

BID #577 – Electrical, Low Voltage, Data, Related Wiring Repairs, Replacement and Installation – Unit Price Bid

Project: Jordan Elementary–Furnish and install network cabling to interim housing – Modernization
Original Board Approval: March 23, 2006
Original Purchase Order: 703179
Completion Date: December 8, 2006
Contractor: Stone Electric, Inc
Original Project Amount: \$25,125.00
Change Order(s) Amount: \$ -0-
Total Project Amount: \$25,125.00
Fund: Special Reserves (40)

BID #570 – Installation, Repairs & Replacement & Miscellaneous General Contracting Work – Unit Price Bid

Project: Portola Middle School– run piping to new portable restroom for interim housing – Modernization
Original Board Approval: August 24, 2006
Original Purchase Order: 703015
Completion Date: December 5, 2006
Contractor: Verne’s Plumbing
Original Project Amount: \$19,500.00
Actual Amount Invoiced \$17,863.45
Change Order(s) Amount: \$ -0-
Total Project Amount: \$17,863.45
Fund: Special Reserves (40)

Item 14.F. Liability Claim Nos. 06/07-005, -006, -007

The Board of Education rejected Liability Claim Nos. 06/07-05. -06, -07.

Item 14.G. Personnel Report

The Board approved the attached Personnel Report.

Item 14.H. Student Teacher Assignments/Agreements

The Board approved the attached Student Teacher Assignments as presented.

Item 14.I. Teacher Assignment/Consent – Variable or Short-Term Waiver

The Board approved the attached Provisional Internship Permits.

Item 14.J. Teacher Assignment/Consent – Provisional Internship Permit

The Board approved the attached Provisional Internship Permits.

Item 14.K. Contract Services Report – Educational Services

The Board approved the Contract Services Report – Educational Services as presented.

SPECIAL EDUCATION STUDENT #255061

As the result of an IEP addendum for a special education student, the District has agreed to reimburse the parents for the cost of in-home educational tutoring. Reimbursement will be based on proof of payment submitted to the District.

Special Education not-to-exceed \$18,000

ANAHEIM HILLS SPEECH & LANGUAGE CENTER

Change order: The original contract was approved on August 24, 2006, for \$10,000. Due to the need for continued services, an increase is requested. Anaheim Hills speech and Language Center will provide speech and language therapy for special education students, per their IEP, during the 2006/2007 school year.

Special Education not-to-exceed \$10,000

SPECIAL EDUCATION STUDENT #270436

As the result of a settlement agreement in OAH Case No. N2006100498, where the District is named as a respondent, the District agrees to reimburse the parents for previously obtained educational services, upon presentation of documentation of payment.

Special Education not-to-exceed \$5,050

LAW OFFICES OF DANIELLE AUGUSTIN

As the result of a settlement agreement in OAH Case No. N2006100498, where the District is named as a respondent, the District agrees to reimburse parents for attorneys' fees and costs upon presentation of itemized statements and appropriate proof of payment.

Special Education not-to-exceed \$3,375

THE SPEECH PATHOLOGY GROUP

Change order: The original contract was approved July 20, 2006, for \$25,000. Due to the need for continued services, an increase is requested. The Speech Pathology Group is required to provide speech and language therapists at schools for special education students as required by law for the 2006-2007 school year.

Special Education not-to-exceed \$50,000

SPECIAL EDUCATION STUDENT #305601

Change order: Board originally approved \$9,000 on December 8, 2005. Due to rate increase by provider, additional funds are needed. As the result of an IEP for a special education student,

the District has agreed to reimburse the parents for the cost of private speech and language therapy sessions December 2005 through November 2006. Reimbursement is based on receipt of proof of payment.

Special Education not-to-exceed \$1,090

PLATO LEARNING

Plato Learning provides student software for personalized instruction and standards-driven assessment. Plato Learning offers intervention solutions for the California High School Exit Exam and credit recovery, which includes electronic learning paths, self-paced curriculum, and content-based assessments. They are designed to help students acquire the skills tested on high stakes exams by identifying skill gaps and targeting instruction. Students may access the software program from school or home. The District is adding 182 additional licenses for school use and will provide professional development training for teachers in the use of Plato Learning.

CAHSEE Supportnot-to-exceed \$36,300

RICHARD BAUTZER, MFT

Richard Bautzer, MFT, will provide a twelve session program for parents and adolescents titled "Parenting Within Love and Limits". Sessions will be held at Portola Middle School from November 7, 2006 through March 1, 2007 and will be conducted in English and Spanish. All materials are included.

Fiscal Impact will be the expenditure of restricted categorical fund monies.

Title I not-to-exceed \$3,000

Item 14.L. Study Trips

The Board approved the following study trips:

Canyon High School – Boys' and Girls' Swim Team – Fresno, CA – March 16 -17, 2007

Canyon High School Swim Team under the direction of their coaches Eric Davidson and Steve Anderson will travel to Fresno to compete in the CIF Central Section Relays. The student/athletes will have the opportunity to experience a different level of competition at an outstanding facility in Central California. The trip is a fun, positive experience that helps build team camaraderie and support. The twenty-five female and twenty-five male students will be accompanied by five female and five male adult chaperones. They will all stay at the Ramada Inn with transportation provided by OUSD bus. The cost per student is \$65 (which includes the cost of transportation) and scholarships are available. The students will miss one school day. No substitute will be required.

Esplanade Elementary – CBET Participants – California Science Center – June 1, 2007

The Community Based English Tutoring (CBET) participants and their children at Esplanade Elementary school will take a field trip to the California Science Center on June 1, 2007. CBET provides free ESL classes to the parents of Orange Unified students at Esplanade Elementary. One of the goals of the CBET program is to provide educational opportunities that the family can

experience together. An excursion to cultural venues and participation in these activities enrich children's backgrounds and enhance their English Language learning. Approximately 25 parents and 55 children are expected to attend this field trip. Transportation costs for the field trip will also be funded by the CBET program. Fiscal impact will be the expenditure of restricted categorical fund monies.

CBET Funds. not-to-exceed \$640

Item 14.M. Consolidated Application Part II 2006/07

The Board approved the submission of the Consolidated Application Part II for the 2006-07 school year to the California State Department of Education.

Item 14.N. After School Education and Safety Grant

The Board accepted the Grant Award.

Item 14.O. Approval of E-Rate Telecommunications Contract – Funding Year 10: July 1, 2007 – June 30, 2008

The Board approved the use of the E-rate Telecommunications contract.

Item 14.P. Approval of E-Rate Telecommunications Contingent Contract – Funding Year 10: July 1, 2007 – June 30, 2008

The Board approved the E-rate contracts contingent on the District's continued ability to meet the discounted cost.

Item 14.Q. Special Education Non-Public Schools & Designated Instructional Services 2006-07

The Board authorized non-public school/agency placement for the student identification numbers listed on the attached report, as presented.

Item 14.R. Expulsion of Student: Case No. 06-07-19

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.S. Expulsion of Student: Case No. 06-07-20

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.T. Expulsion of Student: Case No. 06-07-21

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.U. Expulsion of Student: Case No. 06-07-22

The Board upheld the recommendation of the Administrative Hearing Panel.

Item 14.V. Appointment of Board Member Representative to the Nominating Committee for the Orange County Committee on School District Organization

The Board appointed Board Member, Kathy Moffat, to serve as the District's representative to the

Nominating Committee for the Orange County Committee on School District Organization.

Item 14.W. Board Committee Appointments

The Board appointed its members to serve on advisory committees or as representatives to other public agencies or organizations for the 2007 school year as attached.

COMMUNICATIONS TO THE BOARD

There were no speakers.

OTHER BUSINESS

Board/Staff Conference and Comments

Mr. Rocco questioned Mr. Covert regarding legal issues.

ADJOURNMENT

By call of the chair, the regular meeting of January 18, 2007 adjourned at 9:27 p.m.



John Ortega
Clerk of the Board